

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Fair Isaac Corporation,

Case No. 16-cv-1054 (DTS)

Plaintiff,

VERDICT FORM

v.

Federal Insurance Company,
ACE American Insurance Company,

Defendants, Counter Claimants,

v.

Fair Isaac Corporation,

Counter Defendant.

Part I: FICO's Claims Against Federal

1. Did FICO prove that Federal breached Section 3.1 of the License Agreement by allowing third party consultants DWS and/or AppCentrica to use Blaze Advisor?

- ☐ Yes (*finding for FICO*)
☐ No (*finding for Federal*)

2. Did FICO prove that Federal breached Section 10.8 of the License Agreement?

- ☐ Yes (*finding for FICO*)
☐ No (*finding for Federal*)

3. Did FICO properly terminate the License Agreement on March 30, 2016?

- ☐ Yes (*finding for FICO*)
☐ No (*finding for Federal*)

INSTRUCTION: IF YOU FIND IN FAVOR OF FEDERAL ON QUESTION 3, SKIP THE REMAINDER OF PART I AND GO TO *PART II: FICO'S CLAIMS AGAINST ACE AMERICAN*. OTHERWISE, ANSWER THE REMAINDER OF PART I, AS INSTRUCTED BELOW.

4. If you find that FICO properly terminated the License Agreement, please enter the amount of damages FICO incurred as a result of Federal's use of Blaze Advisor after March 31, 2016.

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5. Did FICO prove that Federal infringed FICO's copyright by use of Blaze Advisor after March 31, 2016? **(Note: If you answered "yes" to Question 3 above, you must answer "yes" to this question.)**

- ☐ Yes (*finding for FICO*)
☐ No (*finding for Federal*)

6. If you have found that Federal infringed FICO's copyright, please enter the amount of Actual Damages FICO suffered as a result of Federal's infringement. **(Note: Your answer to Question 4 and Question 6 must be the same).**

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Part II: FICO's Claims Against ACE American

7. Did FICO prove that ACE American infringed FICO's copyright by use of Blaze Advisor?

- ☐ Yes (*finding for FICO*)
☐ No (*finding for ACE American*)

8. If you have found that ACE American infringed FICO's copyright, please enter the amount of Actual Damages FICO suffered as a result of ACE American's infringement of its copyright.

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PART III: Profits

9. If you have found that either defendant infringed FICO's copyright did FICO prove that this infringing use contributed to the **revenues** of the infringer?

- ☐ Yes (*finding for FICO*)
☐ No (*finding for Federal and Ace American*)

10. If you answered yes to Question 9, enter the amount of revenue to which the use of Blaze Advisor contributed.

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11. Enter the amount of **profits** that are not taken into account by computing FICO's Actual Damages in your answers to Questions 6 and 8.

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INSTRUCTION: IF YOU FOUND IN FICO'S FAVOR ON QUESTION 3, DO NOT ANSWER ANY QUESTIONS IN PART IV, BUT SIGN AND DATE THE VERDICT FORM BELOW.

Part IV: Federal's Claims Against FICO

12. Did Federal prove that FICO breached Section 9.2 of the Licensing Agreement by terminating the Agreement?

- ☐ Yes (*finding for Federal*)
☐ No (*finding for FICO*)

13. Did Federal prove that FICO breached the implied covenant of good faith and fair dealing?

- ☐ Yes (*finding for Federal*)
☐ No (*finding for FICO*)

14. If you have found that FICO breached the contract or the implied covenant in answer to either Question 12 or 13 above, please enter the amount of damages that Federal incurred as a result of FICO's breach.

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Date _____

Signature of Foreperson